

SENATE BILL 189

R5

(0lr1121)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by **Senators Simonaire, Haines, Jacobs, Kittleman, Reilly, Stoltzfus, and Stone**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 ~~Vehicle Laws – Reckless and Negligent Driving – Penalties for Death or~~
3 ~~Serious Bodily Injury~~
4 Victims’ Rights – Fatal Vehicular Accident – Suspension of License

5 FOR the purpose of ~~establishing that if a person violates a certain provision of law~~
6 ~~relating to reckless and negligent driving and the violation contributes to an~~
7 ~~accident that results in the death or the serious bodily injury of another, the~~
8 ~~person is subject to a certain fine and the Motor Vehicle Administration is~~
9 ~~authorized to suspend the person’s license for a certain period of time; providing~~
10 ~~that a licensee may request a hearing on a license suspension imposed under~~
11 ~~this Act; and generally relating to penalties for reckless and negligent driving~~
12 ~~that contributes to an accident that results in death or serious bodily injury~~
13 authorizing a victim’s representative to be present at a certain administrative
14 hearing concerning a fatal vehicular accident; authorizing a victim’s

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 representative to make an oral statement or submit a written statement for
 2 consideration at a certain administrative hearing concerning a fatal vehicular
 3 accident; requiring a law enforcement officer, during the investigation of a fatal
 4 vehicular accident, to inform a victim's representative of the right to file a certain
 5 request with the Motor Vehicle Administration; requiring certain notice to a
 6 victim's representative under certain circumstances; authorizing the
 7 Administration to suspend a license of a person who is convicted of a moving
 8 violation that contributed to an accident resulting in the death of an individual;
 9 providing for certain procedures; defining certain terms; and generally relating
 10 to victims' rights and license suspensions concerning certain fatal vehicular
 11 accidents.

12 ~~BY repealing and reenacting, without amendments,~~
 13 ~~Article – Transportation~~
 14 ~~Section 21-901.1~~
 15 ~~Annotated Code of Maryland~~
 16 ~~(2009 Replacement Volume and 2009 Supplement)~~

17 ~~BY repealing and reenacting, with amendments,~~
 18 ~~Article – Transportation~~
 19 ~~Section 27-114~~
 20 ~~Annotated Code of Maryland~~
 21 ~~(2009 Replacement Volume and 2009 Supplement)~~

22 BY adding to
 23 Article – Transportation
 24 Section 12-206.1 and 16-206(a)(5) and (f)
 25 Annotated Code of Maryland
 26 (2009 Replacement Volume and 2009 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 28 MARYLAND, That the Laws of Maryland read as follows:

29 **Article – Transportation**

30 ~~21-901.1.~~

31 ~~(a) A person is guilty of reckless driving if he drives a motor vehicle:~~

32 ~~(1) In wanton or willful disregard for the safety of persons or property;~~
 33 ~~or~~

34 ~~(2) In a manner that indicates a wanton or willful disregard for the~~
 35 ~~safety of persons or property.~~

~~(b) A person is guilty of negligent driving if he drives a motor vehicle in a careless or imprudent manner that endangers any property or the life or person of any individual.~~

~~27-114.~~

~~(a) If a person violates any provision of Title 21, Subtitle 4 OR § 21-901.1 of this article and the violation contributes to an accident that results in the death or, as defined in § 27-113 of this title, serious bodily injury of another, the person is guilty of a misdemeanor and on conviction:~~

~~(1) The person is subject to a fine of not more than \$1,000; and~~

~~(2) The Administration may suspend the person's license for not more than 180 days.~~

~~(b) Subject to the provisions of Title 12, Subtitle 2 of this article, a licensee may request a hearing on a license suspension imposed under this section.~~

12-206.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "VICTIM" MEANS A PERSON WHO DIES AS THE RESULT OF THE COMMISSION OF A MOVING VIOLATION BY ANOTHER PERSON.

(3) "VICTIM'S REPRESENTATIVE" MEANS A MEMBER OF THE FAMILY OF A VICTIM OR A GUARDIAN OR PERSONAL REPRESENTATIVE OF A VICTIM.

(B) (1) DURING THE INVESTIGATION OF A MOVING VIOLATION, A LAW ENFORCEMENT OFFICER SHALL INFORM A VICTIM'S REPRESENTATIVE OF THE RIGHT TO FILE A VICTIM'S REPRESENTATION NOTIFICATION FORM WITH THE ADMINISTRATION TO REQUEST TO BE NOTIFIED OF A HEARING UNDER § 16-206(F) OF THIS ARTICLE.

(2) A VICTIM'S REPRESENTATION NOTIFICATION FORM UNDER THIS SUBSECTION MAY ONLY BE FILED WITHIN 20 DAYS AFTER THE CONVICTION OF THE MOVING VIOLATION.

(C) (1) IF A VICTIM'S REPRESENTATIVE FILES A VICTIM'S REPRESENTATION NOTIFICATION FORM UNDER SUBSECTION (B) OF THIS SECTION, THE ADMINISTRATION SHALL GIVE THE VICTIM'S REPRESENTATIVE

1 NOTICE IN ACCORDANCE WITH § 12-114 OF THIS TITLE AT LEAST 21 DAYS
2 BEFORE A HEARING UNDER § 16-206(F) OF THIS ARTICLE.

3 (2) NOTICE PROVIDED UNDER THIS SUBSECTION SHALL STATE:

4 (I) THE DATE, TIME, PLACE, AND NATURE OF THE HEARING;

5 (II) THE LEGAL AUTHORITY AND JURISDICTION OF THE
6 ADMINISTRATION TO HEAR THE MATTER;

7 (III) THE NATURE OF THE PROPOSED ACTION THAT THE
8 ADMINISTRATION IS TO CONSIDER;

9 (IV) THAT A COPY OF THE HEARING PROCEDURES IS
10 AVAILABLE ON REQUEST AND THE COST TO OBTAIN A COPY;

11 (V) THE RIGHT OF THE VICTIM'S REPRESENTATIVE TO BE
12 PRESENT AT THE HEARING;

13 (VI) THE RIGHT OF THE VICTIM'S REPRESENTATIVE TO
14 SUBMIT A WRITTEN STATEMENT FOR CONSIDERATION BY THE ADMINISTRATION
15 AT THE HEARING; AND

16 (VII) THE RIGHT OF THE VICTIM'S REPRESENTATIVE TO MAKE
17 AN ORAL STATEMENT FOR CONSIDERATION BY THE ADMINISTRATION AT THE
18 HEARING.

19 (3) (I) IF A VICTIM'S REPRESENTATIVE INTENDS TO MAKE AN
20 ORAL STATEMENT, THE VICTIM'S REPRESENTATIVE SHALL NOTIFY THE
21 ADMINISTRATION AT LEAST 10 DAYS BEFORE THE HEARING.

22 (II) IF A VICTIM'S REPRESENTATIVE INTENDS TO SUBMIT A
23 WRITTEN STATEMENT, THE STATEMENT SHALL BE SUBMITTED TO THE
24 ADMINISTRATION AT LEAST 10 DAYS BEFORE THE HEARING.

25 (D) (1) IF A VICTIM'S REPRESENTATIVE PROVIDES NOTICE IN
26 ACCORDANCE WITH SUBSECTION (C)(3)(I) OF THIS SECTION, THE
27 ADMINISTRATION SHALL ALLOW THE VICTIM'S REPRESENTATIVE TO MAKE AN
28 ORAL STATEMENT FOR CONSIDERATION BY THE ADMINISTRATION AT THE
29 HEARING.

30 (2) IF A VICTIM'S REPRESENTATIVE SUBMITS A WRITTEN
31 STATEMENT IN ACCORDANCE WITH SUBSECTION (C)(3)(II) OF THIS SECTION,
32 THE ADMINISTRATION SHALL:

1 **(I) PROVIDE A COPY OF THE WRITTEN STATEMENT TO THE**
2 **LICENSEE BEFORE THE HEARING BEGINS; AND**

3 **(II) CONSIDER THE WRITTEN STATEMENT AT THE HEARING.**

4 **16-206.**

5 **(a) (5) (I) THE ADMINISTRATION MAY SUSPEND THE LICENSE OF A**
6 **PERSON WHO IS CONVICTED OF A MOVING VIOLATION THAT CONTRIBUTED TO**
7 **AN ACCIDENT RESULTING IN THE DEATH OF ANOTHER PERSON.**

8 **(II) A SUSPENSION UNDER THIS PARAGRAPH MAY NOT**
9 **EXCEED 6 MONTHS.**

10 **(III) THIS PARAGRAPH DOES NOT LIMIT THE AUTHORITY OF**
11 **THE ADMINISTRATION TO SUSPEND, REVOKE, OR REFUSE TO ISSUE OR RENEW A**
12 **LICENSE UNDER ANY OTHER PROVISION OF LAW.**

13 **(F) IN ACCORDANCE WITH TITLE 12, SUBTITLE 2 OF THIS ARTICLE, THE**
14 **ADMINISTRATION SHALL PROVIDE NOTICE OF A SUSPENSION UNDER**
15 **SUBSECTION (A)(5) OF THIS SECTION AND THE LICENSEE MAY REQUEST A**
16 **HEARING.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.